

REMARKS/ARGUMENTS

I. STATUS OF THE PENDING CLAIMS

Upon entry of this amendment, claims 18, 22-23, 25-38 and 40-46 are pending in the present application. Claims 18, 22-23, 25-34 and 36 are amended to more particularly point out the claimed subject matter. Claims 16-17, 19-21, 24 and 39 are canceled by this amendment without prejudice or disclaimer. New claims 40-46 are added. This amendment adds no new subject matter.

Claims 25 and 28 stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 16-39 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by David B. Stewart et al., “The Chimera II Real-Time Operating System for Advanced Sensor-Based Control Applications,” IEEE Transactions on Systems, Man, and Cybernetics, Nov./Dec. 1992, USA, Vol. 22, No. 6 (“Stewart”).

II. REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

Claims 25 and 28 stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 25 and 28 have been amended and are now respectfully submitted to be in allowable form.

III. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 16-39, of which claims 18, 22-23 and 25-38 remain pending, stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Stewart. Applicants respectfully traverse these rejections on the basis of the following arguments.

A rejection of claims as anticipated under 35 U.S.C. § 102(b) requires a showing that each and every claim limitation be identically disclosed in the applied reference. If even one claim limitation is not disclosed in the reference, the claim is patentable over the reference.

Stewart does not disclose each and every limitation of the pending claims as amended. Significantly, Stewart is absolutely silent as to *execution levels* comprising *different priority levels* and therefore cannot disclose any of the remaining claim limitations that relate to execution levels or priority levels. As another example, Stewart also does not teach or suggest the triggering of an error reaction function based on the occurrence of either a *processing error* or an *access error*. Rather, Stewart merely purports to address a mechanism for handling deadline failures in particular. Stewart describes deadline failures as a unique type of error and distinguishes them from other types of errors that may occur in a system.

For at least these reasons, claims 16-39, of which claims 18, 22-23 and 25-38 remain pending, are respectfully submitted to recite allowable subject matter.

IV. NEW CLAIMS 40-46

Claims 40-46, newly added by this amendment, distinguish over the art of record and their allowance is respectfully requested.

CONCLUSION

Claims 18, 22-23, 25-38 and 40-46 are pending in the application. Applicants submit that all of these pending claims, as now amended, and for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

The Commissioner is authorized to charge any required fee, to Deposit Account No. 23-1703.

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Respectfully submitted,

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